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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,517	10/05/1999	JAMES EDWIN HAILEY	RCA-88469	6040

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,517

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 9/16/04, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last office action of claims 19-20 is taken as an admission of the fact(s) noticed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 9-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,883,677 to Hofmann.

Regarding claim 1, Hofmann discloses a video decoder system for receiving program guide information from a first source (DBS decoder), a method for forming a composite program guide (program data base 424, Figures 9a/b), for program content available from a plurality of sources (DBS, TELCO and CATV interfaces), comprising the steps of:

a) retrieving access data from memory (flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source);

b) initiating communication automatically between said decoder and a second source external to said video decoder using said access data (column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed); said communication being initiated by said decoder independent of a user command associated with a program or service selection (column 7, lines 19-29, flow control processor connects on its own);

c) retrieving program guide information from said second source (figure 9b, History of the World part 1 from Telco line, column 7, lines 7-12); and

d) incorporating said program guide information provided by said first and second sources into a program guide for display (figure 9a, column 7, lines 1-6).

Regarding claim 2-3, Hofmann discloses that the communication is initiated on a repetitive basis in response to preprogrammed instructions of a processor (column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed).

Regarding claims 9 and 12, Hofmann discloses that the peripheral device is identified from configuration information derived from prestored memory in the flow control system 422, flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source.

Regarding claim 10, Hoffman discloses in figure 4a, that the first source is a satellite source 318, and the second source is a Telco source 312.

Regarding claim 11, Hofmann discloses a video decoder system for receiving program guide information from a first source (DBS decoder), a method for forming a composite program guide (program data base 424, Figures 9a/b), for program content

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available from a plurality of sources (DBS, TELCO and CATV interfaces), comprising the steps of:

a) retrieving access data from memory (flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source);

b) automatically identifying a peripheral device attached to said decoder (column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed, the device connects via access data stored within the unit); said identification being initiated by said decoder independent of a user command associated with a program or service selection (column 7, lines 19-29, flow control processor connects on its own);

c) initiating communication between said decoder and said peripheral device attached to said decoder using a communication protocol determined from said access data (column 6, line 62-column 7, line 6 12-29, 59-63, the flow control processor knows the protocols in order to communicate with each device)

d) retrieving program guide information from said peripheral device (figure 9b, History of the World part 1 from Telco line, column 7, lines 7-29, 44-47); and

e) incorporating said program guide information provided by said first and peripheral device into a program guide for display (figure 9a, column 7, lines 1-6).

Regarding claim 16, Hoffman discloses in figure 4a, that the peripheral device is a Telco source 312.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hofmann.

Regarding claims 19-20, Hoffman discloses that the access data for connecting to the second source comprises request access data (column 6, line 62-column 7, line 6 12-29, 59-63).

Hofmann does not disclose making use of conditional access data for authorizing access to a second source.

The examiner takes official notice that the use of conditional access data to access a remote device on a network is notoriously well known in the art. Conditional access data permits only authorized users to access content, thus protecting a program providers revenue streams.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to utilize conditional access data for authorizing access to a second device, thus permitting only authorized users to access content and protecting a program providers revenue streams.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hofmann in view of U.S. Patent 6,671,881 to Tamer.

Regarding claim 4, Hofmann discloses initiating communications automatically to an external device (column 7, lines 22-29).

Hofmann does not disclose initiating communications in response to a power up of the decoder .

Tamer discloses a user decoder in figure 3, in which, upon power up of the signal, a microprocessor 19, is programmed to load access data information (SCID information, column 2, lines 56-61, column 3, lines 31-65) in order to receive EPG information from the tuner detector 11 (column 3, lines 6-13), thus providing EPG information to the user as soon as possible.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to initiate communications upon power up of the decoder as taught by Tamer, thus providing EPG information to the user as soon as possible after startup.

5.. Claims 5-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hofmann in view of U.S. Patent 5,835,791 to Goff.

Regarding claims 5 and 13-14, Hofmann discloses connecting to a second device automatically (column 7, lines 22-29).

Hofmann does not disclose polling and detecting a change in the number or type of peripheral devices connected to said decoder.

Goff discloses a computer system that utilizes a USB interface to poll in order to detect when a new peripheral device (keyboard or mouse) is connected (figure 7, column 4, line 31-65, the USB standard requires that a USB enabled host continuously polls to check for new devices), thus enabling the peripheral device to communicate with the computing device, without requiring any input by the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to automatically poll and detect a new device as taught by Goff, thus enabling the peripheral device to communicate with the computing device, without requiring any input by the user.

Regarding claims 6-7 and 15, Hofmann discloses connecting to a second device automatically on a repetitive basis (column 7, lines 22-29).

Hoffman does not disclose initiating communications on a repetitive basis in response to said change in number of type of peripheral devices connected to said decoder.

Goff discloses a computer system that utilizes a USB interface to poll in order to detect when a new peripheral device (keyboard or mouse) is connected (figure 7, column 4, line 31-65, the USB standard requires that a USB enabled host continuously polls to check for new devices, the device identifies itself to the requesting device, column 4, line 65-column 5, line 19), thus enabling the peripheral device to communicate with the computing device, without requiring any input by the user.

Goff inherently initiates communications in response to said change, as USB continuously generates a polling signal in order to determine when a device has been connected or disconnected, and Goff discloses in figures 7-9 determining if a device is connected and performing a query to determine what type of device it is.

Regarding claim 8, Hofmann discloses connecting to a second device automatically (column 7, lines 22-29).

Goff discloses a computer system that utilizes a USB interface to poll in order to detect when a new peripheral device (keyboard or mouse) is connected (figure 7, column 4, line 31-65).

The combination of Hofmann and Goff does not disclose detecting a change in the number or type of peripheral devices in response to configuration data provided by a user.

The examiner takes official notice that user data entry which enables recognition and detection of a new USB device is notoriously well known in the art. A user may be required to configure a USB enabled device or legacy device through the use of an

updated driver, thus enabling communications between a computing device and a new peripheral device with which the computing device is unfamiliar.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Hofmann and Goff to enable user configuration of a USB or legacy device, thus enabling communications between a computing device and a new peripheral device with which the computing device is unfamiliar.

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hofmann in view of U.S. Patent 5,991,799 to Yen (of record).

Regarding claim 17, Hofmann discloses a video decoder system for receiving program guide information from a first source (TELCO decoder), a method for forming a composite program guide (program data base 424, Figures 9a/b), for program content available from a plurality of sources (DBS, TELCO and CATV interfaces), comprising the steps of:

a) retrieving access data from memory (flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source);

b) automatically initiating communication between said decoder and a peripheral device attached to said decoder (DBS, CATV sources, column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed, the device connects via access data stored within the unit); in response to a

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repetitive preprogrammed command from a decoder processor (column 7, lines 19-29, flow control processor connects on its own);

c) retrieving program guide information from said peripheral device (figure 9b, History of the World part 1 from Telco line, column 7, lines 7-29, 44-47); and

d) incorporating said program guide information provided by said first and peripheral device into a program guide for display (figure 9a, column 7, lines 1-6).

Hofmann does not disclose accessing the first source via the Internet using said request access data.

Yen discloses a tuner 111 which connects via an Internet access point 112 to the Internet (figure 1), webpages as well as an electronic program guide may requested and retrieved via HTTP from a remote server (column 4, line 62-column 5, line 52), the EPG can crosslink to a source which provides more information about a program, such as competitive standings or a corresponding football game (column 8, line 57-column 9, line 12), thus enabling a user to learn more about a program.

Yen inherently includes request access data as the access point 112, must know where on the Internet to retrieve the program listings.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to access the Internet to retrieve program listings and additional information via access data, as taught by Yen, thus enabling a user to learn more about a program.

Regarding claim 18, the combination of Hofmann and Yen discloses accessing the Internet via request access data.

The combination of Hofmann and Yen fails to disclose the use of a URL.

The examiner takes official notice that accessing information on the Internet via a URL is notoriously well known in the art. URLs provide the global address for documents, and media objects on the Internet, and provide an easy way to look up and link to the information.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Hofmann and Yen, to utilize a URL to access the Internet, thus taking advantage of an easy way to look up and link to information sources.

Conclusion

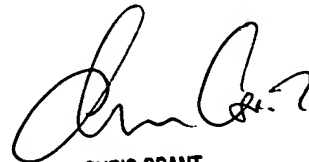
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



CHRIS GRANT
PRIMARY EXAMINER